IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
CRIMINAL WRIT PETITION NO.3080 OF 2005

Salvador Swami (Edward). .. .. Petitioner
v/s.
1. State of Maharahstra & ors. .. Respondents

Mr.P.M.Havnur for petitioner.
Mr.Santosh Narwade i/by Mr.M.M. Vashi (Amicus Curaie).
Mr.R.M.Kadam, Advocate General with Mrs.A.S.Pai, APP for State.

CORAM : H.L. GOKHALE &
V.M. KANADE, JJ.

DATED : 11th January 2007

P.C. :

1. Heard the learned Counsel for the parties.

2. This PIL makes a grievance that when the relief was given to the persons affected in the floods which took place on 26th July 2005 some wrong persons were given the benefit. It is contended that some of them were dead and some were not from the affected area at the relevant time. The State filed a reply disputing the bona fides of the petitioner and, therefore, Mr.Mukesh Vashi, Advocate, was requested to appear for the petitioner as an Amicus Curaie. Mr.Narwade is present for Mr.Vashi.

3. An Affidavit in reply has been filed

earlier on behalf of the State by one Mr.Krishna S. Vatsa, Secretary (Relief and Rehabilitation), pointing out as to how huge was this rehabilitation measure. Today, another Affidavit has been filed by one Shri Praveen Srivastava, Joint Secretary, Relief and Rehabilitation in which it is pointed out that there were 4,96,309 destitute families and 23,51,755 destitute persons in Mumbai Sub-urban District and the total number of destroyed houses were 7072. The ex-gratia amount distributed was Rs.212 Crores. Subsequently it is stated in this Affidavit that considering the large scale flood relief disbursement, the remote possibility of some persons or families receiving ex-gratia amount by misrepresentation cannot be ruled out. It is, therefore, specifically accepted that in such cases the State Government will not spare such persons who are responsible for the misappropriation and appropriate action will be initiated in accordance with law.

4. This Affidavit candidly accepts that there could be some errors and if noticed they will be corrected, in our view, there is no reason to keep this PIL pending any further.

5. Mr.Havnur appearing for the petitioner has shown us some photographs to submit that when the distribution was done, the local Corporators, MLAs, office bearers of political parties were present. In our view, there is nothing wrong in it. They are representatives of the people and there is nothing wrong if they participate to help in such calamities. On such a submission, the efforts taken by the State cannot be faulted in any manner.

6. In view of the above, the PIL is disposed of.

(H.L. GOKHALE, J.)

(V.M. KANADE, J.)